

## **REMARKS**

Applicants respectfully traverse and request reconsideration.

As an initial matter, Applicants have amended claims 1, 8, 9, 11–12, 16, 18, 19, 21 and 22. Claims 1, 9, 11–12, 16, 19, 21 and 22 have been amended to recite that the remote content identification information directly identifies remotely stored content. Support for these amendments may be found, for example, in paragraph [0058] of Applicants’ specification. In addition, claim 8 has been amended to correct a typographical error by removing the phrase “from the device.” Furthermore, claim 12 has been amended to recite that the controller is operatively responsive to the remote content identification information “read from the RFID tag on the portable media container or the object . . .”

Applicants have also added new claim 28. New claim 28 recites the limitations set forth in currently pending claims 1 and 8 (although new claim 28 does not include the limitation that the remote content identification information “directly identifies remotely stored content”). No new matter has been added.

### **Claim Rejections – 35 U.S.C. § 112**

Claims 12 stands rejected under 35 U.S.C. § 112 for being indefinite. Applicants note that claim 12 has been amended to recite that the controller is operatively responsive to the remote content identification information “read from the RFID tag on the portable media container or the object . . .” Accordingly, Applicants respectfully request withdrawal of the outstanding rejection under § 112, ¶2.

### **Claim Rejections 35 U.S.C. § 103**

Claims 1, 3-4, 6-8, 12-15, and 19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publ. No. 2003/0024975 to Rajasekharan (“Rajasekharan”) in view of US Pub. No. 2003/001887 to Smith, IV (“Smith”). With regard to, for example, claim 1, Applicants

respectfully submit that neither Rajasekharan nor Smith, either alone or in combination, teach, at least, remote content identification information that directly identifies remotely stored content.

Rajasekharan is directed to a system and method for authoring and providing information relevant to the physical world. (Rajasekharan, Title). More specifically, Rajasekharan teaches a system and method for reading machine-readable labels from physical objects and treating those different labels uniformly as object identifiers for performing various indexing operations such as content authoring, playback, annotation, and feedback. (Rajasekharan, Abstract). Thus, Rajasekharan teaches using labels (e.g., UPC codes, barcodes, RFID tags, IR tags, etc.) as object identifiers for particular objects. (*See, e.g.*, Rajasekharan; ¶¶ [0065]–[0067]). However, the labels of Rajasekharan do not **directly** identify any remotely stored content. Rather, the labels serve as object identifiers and an index table is used to correlate different object identifiers with different remotely stored content. (Rajasekharan; ¶ [0074]: “Once an object identifier is identified within index table repository 116, media content can be mapped to the object identifier.”). Thus, Rajasekharan teaches, at best, remote content identification information (i.e., object identifiers) that **indirectly** identify remotely stored content via an index table.

Conversely, Applicants’ disclosure teaches, and amended claim 1 requires, remote content identification information that directly identifies remotely stored content. For example, Applicants’ disclosure teaches that “remote content identification data may be . . . any other suitable content identification data that identifies in some manner, **directly** or indirectly, the content or media that is to be remotely downloaded by the RFID enabled media player based on the content of the RFID tag.” (Applicants’ Disclosure, ¶ [0058]) (emphasis added). Because Rajasekharan fails to teach remote content identification information that directly identifies remotely stored content, Applicants respectfully submit that claim 1 is allowable over

Rajasekharan. Further, Smith fails to remedy the deficiencies of Rajasekharan in this regard. Accordingly, Applicants respectfully submit that claim 1 is in condition for allowance.

Applicants note that independent claims 12 and 15 include similar limitations to those discussed above with regard to claim 1, i.e., remote content identification information that directly identifies remotely stored content. Accordingly, Applicants submit that claims 12 and 15 are also allowable over the combination of Rajasekharan in view of Smith at least for the reasons set forth above.

Dependent claims 3-4, 6-8, and 13-15, being dependent upon allowable base claims, are also allowable over Rajasekharan in view of Smith to the extent that they incorporate the limitations of the independent claims and because they recite additional patentable subject matter.

Claims 2 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rajasekharan in view of Smith in further view of U.S. Publ. No. 2005/0237886 to Kahlman (“Kahlman”). Dependent claims 2 and 20, being dependent upon allowable base claims, are also allowable over Rajasekharan in view of Smith in further view of Kahlman to the extent that they incorporate the limitations of the independent claims and because they recite additional patentable subject matter. Furthermore, the subject matter for which Kahlman is relied upon fails to remedy the deficiency of Rajasekharan and Smith as discussed above.

Claims 5, 9-11, 16, 18 and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rajasekharan in view of Smith in further view of U.S. Pat. No. 6,130,623 to MacLellan et al. (“MacLellan”). With regard to independent claims 9, 11, 16, 18 and 21, Applicants respectfully submit that neither Rajasekharan nor Smith, either alone or in combination, teach remote content identification information (also referred to as “remote content

identification data” and “remote content ID data”) that directly identifies remotely stored content for the reasons set forth above with regard to claim 1. MacLellan does not remedy the deficiencies of Rajasekharan or Smith. Accordingly, Applicants respectfully submit that independent claims 9, 11, 16, 18 and 21 are in condition for allowance for at least the reasons set forth above.

Dependent claims 5 and 10, being dependent upon allowable base claims, are also allowable over Rajasekharan in view of Smith in further view of MacLellan to the extent that they incorporate the limitations of the independent claims and because they recite additional patentable subject matter.

Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Rajasekharan in view of Smith in view of MacLellan in further view of U.S. Pat. No. 6,424,715 to Saito (“Saito”). Claim 17, being dependent upon an allowable base claim, is also allowable over Rajasekharan in view of Smith in view of MacLellan in further view of Saito to the extent that it incorporates the limitations of its independent claim and because it recites additional patentable subject matter. Furthermore, the subject matter for which Saito is relied upon fails to remedy the deficiency of Rajasekharan and Smith as discussed above.

Claims 22-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Rajasekharan. With regard to independent claim 22, Applicants respectfully submit that Rajasekharan fails to teach at least remote digital content identification data that directly identifies content associated with the handheld article for the reasons set forth above with respect to claim 1. Accordingly, Applicants respectfully submit that claim 22 is in condition for allowance.

Dependent claims 23-27, being dependent upon an allowable base claim, are also allowable over Rajasekharan to the extent that they incorporate the limitations of the base claim and because they recite additional patentable subject matter.

With regard to new claim 28, Applicants note that new claim 28 includes limitations originally set forth in dependent claim 8. Accordingly, Applicants will discuss the allowability of new claim 28 in the context of rejected claim 8. With regard to claim 8, Applicants respectfully submit that Rajasekharan fails to teach “wherein the media playing device further includes an RFID writer operative to contactlessly write information to the RFID tag and wherein the controller is operative to control the RFID writer to write information retrieved from the remote location.” The final office action mailed December 21, 2011 states the following in rejecting claim 8:

Rajasekharan teaches the authoring of content and then associating that content with a content identifier on an object. Further Rajasekharan teaches that the content identifier on the object may be an RFID tag that is read by a reader. While Rajasekharan does not [teach] changing the identifier, it does teach overriding and authoring the content associated with the identifier. This, coupled with well-known improvements of RFID tags over other tags, is the identifier within the tag can be changed without destroying the tag (as opposed to bar codes and written labels). Accordingly, one having ordinary skill in the art at the time of the claimed invention would find it obvious to either change the content associated with the content identifier, or change the content identifier to be associated with another piece of content.” (Final Office Action mailed 12/21/11, pp. 5-6).

Thus, the final office action does not even imply that Rajasekharan teaches a media playing device that further includes an RFID writer. Rather, the final office action merely states that Rajasekharan teaches “overriding and authoring the content associated with that identifier.” However, “overriding and authoring the content associated with that identifier” is not synonymous with a media playing device including an RFID writer operative to contactlessly write information to the RFID tag, wherein the controller is operative to control the RFID writer

to write information retrieved from the remote location as recited in Applicants' claim 8. Indeed, Applicants are unable to find any teaching or suggestion whatsoever in either Rajasekharan or Smith regarding an RFID writer as claimed. As set forth in M.P.E.P. § 2143(A), in order to demonstrate *prima facie* obviousness, Office personnel must articulate "a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." Because neither Rajasekharan nor Smith, either alone or in combination, teach "wherein the media playing device further includes an RFID writer operative to contactlessly write information to the RFID tag and wherein the controller is operative to control the RFID writer to write information retrieved from the remote location," Applicants respectfully submit that new claim 28 is in condition for allowance.

### CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request reconsideration and withdrawal of all presently outstanding rejections. Thus, prompt and favorable consideration of this response is respectfully requested. If it is believed that personal communication will expedite prosecution of this application, Applicants' undersigned representative may be contacted at the number below.

Respectfully submitted,

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